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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,259	02/01/2001	Peter Tompkins	CITI0213	7244
27510	7590	06/09/2004	EXAMINER	
KILPATRICK STOCKTON LLP 607 14TH STREET, N.W. SUITE 900 WASHINGTON, DC 20005			NGUYEN, NGA B	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Applicati n N .

09/775,259

Applicant(s)

TOMPKINS, PETER

Examiner

Nga B. Nguyen

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/17/01; 6/18/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This Office Action is in response to the communication filed on February 1, 2001, which paper has been placed of record in the file.
2. Claims 1-10 are pending in this application.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on July 17, 2001 and June 18, 2003, are being considered by the examiner.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder, U.S. Patent No. 5,640,193, in view of Fries, U.S. Patent No. 6,317,885.

Regarding to claim 1, Reeder discloses a system for providing financial services and facilitating transactions among a user, a merchant and a financial institution comprising:

a user interface (figure 1, item 12 and column 2, lines 54-59; interactive television station 12) and at least one of the following financial services industry systems: an

interactive bill presentment and payment system accessible through the user interface; a merchant payment processing system administered by the financial institution; a credit and debit system administered by the financial institution; a home-banking system (column 6, lines 29-35, an interactive bill presentment and payment system accessible through the user interface and a home-banking system; or column 3, line 65-column 4, line 61, a merchant payment processing system administered by the financial institution and a credit and debit system administered by the financial institution) ; and

a processor for receiving data from the user interface (figure 1, item 14 and column 3, lines 5-22, the ITV server 14 receives data from the ITV station 12);

wherein the user interface comprises a television (figure 1, item 12 and column 2, lines 54-59; interactive television station 12).

Reeder does not disclose the processor for translating the data into a form usable by at least one of the interactive bill presentment and payment system; the merchant payment processing system; the multi-function financial services system and/or the credit and debit system. However, Fries discloses the processor for translating the data into a form usable by at least one of the interactive bill presentment and payment system; the merchant payment processing system; the multi-function financial services system and/or the credit and debit system (column 6, lines 43-55; figure 10; column 20, lines 23-31; column 13, line 65-column 15, line 21; the server 46 converts the HTML page formats into intermediate page formats for displaying on the television to the end user). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Reeder's to include the feature above for the

Art Unit: 3628

purpose of providing more convenient to the user to purchase products via television, the user can purchase products while watching television, thus the user does not need gain access to the Internet using personal computer which is more expensive device.

Regarding to claim 2, Reeder discloses the system of claim 1 wherein the user interface further comprises a control unit having an input device (column 3, lines 5-9, ITV remote control having key pad).

Regarding to claim 3, Reeder discloses the system of claim 1 wherein the television is a cable television and the system further comprises a cable television combiner for providing television services to the television (column 3, lines 45-55).

Regarding to claim 4, Reeder discloses the system of claim 1 wherein the processor is located at the site of the television (column 3, lines 49-52, ITV set top box which serves as an interface between the customer's ITV station and the ITV server).

Regarding to claims 5-6, Reeder does not disclose the system of claim 1 wherein the processor is located at a financial services institution server site or the processor is part of a server maintained by a financial services institution. However, it is well known in the art that the user can access a bank server using interactive television, thus the processor is located at a bank server, or the bank can offer financial products over the television, thus the processor is part of a server maintained by a financial services institution. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Reeder's modified by Fries to include the feature above for the purpose of providing more convenient to the user can interact with a financial institution to perform financial services while watching the television.

Regarding to claim 7, Reeder discloses the system of claim 3 wherein the processor is part of a server maintained by a cable television provider (column 3, lines 54-60, ITV server 14).

Regarding to claim 8, Reeder discloses the system of claim 1 further comprising a merchant site (column 4, lines 48-51; merchant 26).

Claims 9, 10 are method claims and contain similar limitations found in claims 1, 3 above, therefore, are rejected by the same rationale.

### ***Conclusion***

6. Claims **1-10** are rejected.

7. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Kunkel et al. (US 6,477,579) disclose a system and method for accessing Internet-based and other information through a user television in a television distribution network enables a user to access and view information which is related to the programming content of a currently viewed television broadcast.

Alonso et al. (US 6,184,878) disclose interactive world wide web access using a set top terminal in a video on demand system

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

Art Unit: 3628

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

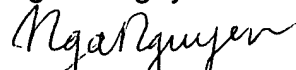
(703) 872-9326 (for formal communication intended for entry),

or

(703) 308-3691 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen



May 25, 2004